



Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PHILLIPS, NIGEL C.
FILION, MARIO C.

Serial No.: 09/857,332

Filed: June 4, 2001

For: CHEMOTHERAPEUTIC
COMPOSITION AND METHOD

Examiner: Angell, Jon E.

Art Unit: 1635

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PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the present application, please enter the following Amendments and consider the appended remarks.

In the Claims:

By this amendment, Claims 19-32 are cancelled and Claims 33 to 64 are added. No new matter is introduced in new Claims 33-64. There are now 32 claims pending in this case.

33. (New) A method of treating cancer comprising administration of a composition comprising *Mycobacterium phlei* (*M. phlei*)-DNA complexed on *Mycobacterium phlei* cell wall (MCC) and a pharmaceutically acceptable carrier to an animal having cancer, wherein the composition and a chemotherapeutic agent administered to the animal having cancer display an anti-cancer synergism.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on April 8, 2002.

John K. McDonald, Ph.D., Reg. No. 42,860

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02 FC:202 42.00 OP
03 FC:203 2.00 CH 106.00 OP